

Memorandum



Date: January 20, 2005

Agenda Item No. 7(C)(1)(P)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Tropical Excursions, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 250

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier Certificate of Transportation No. 250 from Brickell Key Tours and Transportation, Inc. to Tropical Excursions, Inc.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the County Commission. The Transportation Committee and Board of County Commissioners, in considering the proposed transfer of ownership or control of the certificate, shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest. The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

ANALYSIS

Brickell Key Tours and Transportation, Inc. has filed an application to transfer Passenger Motor Carrier (PMC) Certificate of Transportation No. 250 to Tropical Excursions, Inc. The Code requires that such transfers be approved by the Board. PMC No. 250, originally issued on February 19, 1998, to Deco Drive Limousine, Inc., and transferred to Brickell Key Tours and Transportation, Inc. on September 9, 2003, authorizes special operations service. Tropical Excursions, Inc., located at 22 NE 167 Street, Miami, Florida, 33162, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-159-98, attached). Tropical Excursions, Inc., seeks to transport resident and tourist groups to and from various locations throughout Miami-Dade County.

Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

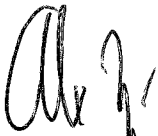
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The management plan submitted by Jeffery E. Mack, President of Tropical Excursions, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement between Brickell Key Tours and Transportation, Inc. and Tropical Excursions, Inc. establishes the acquisition by Tropical Excursions, Inc. of PMC Certificate of Transportation No. 250 for a total price of seven thousand five hundred dollars (\$7,500.00).

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

Attachments



Alex Muñoz
Assistant County Manager

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ARTICLE III. PASSENGER MOTOR
CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

Rates and Fare Schedule

VAN PRICE LIST

Transfers - (Non Share & Direct Services)

FROM/TO -- MIAMI INT'L AIRPORT

- Rates are per One-Way Trip in US Dollars -----Group Price (Not per person)

	1-7 Pax	8-14 Pax
Airport Greater Miami Area & Beaches	\$45	\$80
Hollywood & Hallandale	\$50	\$90
Perrine & Homestead (South Dade)	\$50	\$90
FT Lauderdale & Port Everglades	\$55	\$95
Boca Raton & Deerfield Beach	\$65	\$95
Palm Beach	\$70	\$100
Key Largo & Ocean Reef Club	\$170	\$180
ISLA MORADA	\$175	\$210
Naples/Port ST. Lucie	\$175	\$245
Fort Meyers	\$175	\$265
Marathon	\$215	\$285
KEY WEST	\$285	\$425
Greater Orlando & (Attractions)	\$395	\$425
Tampa & Saint Petersburg	\$450	\$495
Jacksonville	\$575	\$595
Tallahassee	\$650	\$695

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(C)(1)(A)

9-9-03

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-912-03

RESOLUTION APPROVING TRANSFER OF CERTIFICATE
OF TRANSPORTATION NO. 250 TO BRICKELL KEY TOURS
& TRANSPORTATION, INC. TO PROVIDE SPECIAL
OPERATIONS SERVICE AS A PASSENGER MOTOR
CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

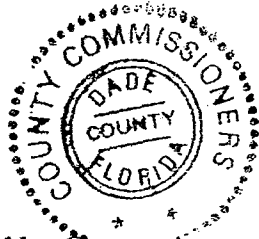
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 250 to Brickell Key Tours & Transportation, Inc. to provide special operations passenger motor carrier service to a common destination or series of common destinations in Miami-Dade County is approved.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Dr. Barbara Carey-Shuler, Chairperson	aye
	Katy Sorenson, Vice-Chairperson	aye
Bruno A. Barreiro		aye
Betty T. Ferguson		aye
Joe A. Martinez		aye
Dennis C. Moss		aye
Natacha Seijas		aye
Sen. Javier D. Souto		aye
	Jose "Pepe" Diaz	aye
	Sally A. Heyman	aye
	Jimmy L. Morales	aye
	Dorin D. Rolle	aye
	Rebeca Sosa	aye

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The Chairperson thereupon declared the resolution duly passed and adopted this 9th day of September, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**
Deputy Clerk



MEMORANDUM

Agenda Item No. 7(C)(1)(A)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 9, 2003

SUBJECT: Brickell Key Tours & Transportation, Inc.
application for a transfer of Passenger Motor
Certificate of Transportation No. 250

FROM: George M. Burgess
County Manager

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier Certificate of Transportation No. 250 from Deco Drive Limousine, Inc. to Brickell Key Tours & Transportation, Inc.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the County Commission. The Transportation Committee and Board of County Commissioners, in considering the proposed transfer of ownership or control of the certificate, shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest. The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

ANALYSIS

Deco Drive Limousine, Inc. has filed an application to transfer Passenger Motor Carrier (PMC) Certificate of Transportation No. 250 to Brickell Key Tours & Transportation, Inc. The Code requires that such transfers be approved by the Board. PMC No. 250, originally issued on February 19, 1998, authorizes special operations service. Brickell Key Tours & Transportation, Inc., located at 3350 NW South River Drive, Miami, Florida, 33142, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution which approved the initial certificate (R-159-98, attached). Brickell Key Tours & Transportation, Inc. will continue transporting tourist and resident groups to various locations throughout Miami-Dade County.

Applicant currently holds PMC Certificate of Transportation No. 326 to provide special operations service, two for-hire limousine licenses to provide super-stretch and stretch service, and eight luxury sedan licenses. There is no significant enforcement history associated to the applicant's operation of said licenses.

Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Mr. Alejandro Diaz, President of Brickell Key Tours & Transportation, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. An Asset Purchase Agreement between Brickell Key Tours & Transportation, Inc. and Anthony Rivera, President and sole shareholder of Deco Drive Limousine, Inc. establishes the acquisition by Brickell Key Tours & Transportation, Inc. of all the assets of Deco Drive Limousine, Inc. for a total price of seventy thousand dollars (\$70,000.00). No price was assigned specifically to the PMC Certificate of Transportation.

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

Approved _____ Mayor

Agenda Item No. 5 (V)
2-19-98

Veto _____

Override _____

RESOLUTION NO. R-159-98

RESOLUTION APPROVING APPLICATION FOR ONE
CERTIFICATE OF TRANSPORTATION TO DECO
DRIVE LIMOUSINE, INC. TO PROVIDE SPECIAL
OPERATIONS SERVICE AS A PASSENGER MOTOR
CARRIER

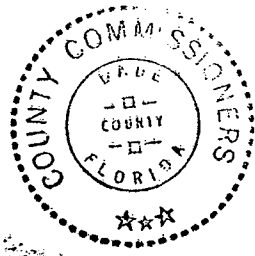
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide special operations passenger motor carrier service to a common destination or series of common destinations in Dade County, as recommended by the County Manager, be issued to Deco Drive Limousine, Inc.

The foregoing resolution was offered by Commissioner Dr. Miriam Alonso, who moved its adoption. The motion was seconded by Commissioner Gwen Margolis and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	aye	Dr. Barbara M. Carey	aye
Miguel Díaz de la Portilla	aye	Betty T. Ferguson	aye
Bruce C. Kaplan	absent	Gwen Margolis	aye
Natacha Seijas Millán	aye	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboredo	absent
Dorrin D. Rolle	aye	Katy Sorenson	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of February, 1998. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as to
form and legal sufficiency. GKS

By: KAY SULLIVAN
Deputy Clerk



MEMORANDUM Agenda Item No. 5(V)

TO: Honorable Chairperson and Members
Board of County Commissioners

FROM: Armando Vidal, P.E.
County Manager

DATE: February 19, 1998

SUBJECT: Deco Drive Limousine, Inc.
application for a Passenger Motor
Carrier Certificate (PMC Control
No. 351)

RECOMMENDATION

It is recommended that the Board approve the application of Deco Drive Limousine, Inc. for a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedures to be followed by Metro-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

- (1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by this certificate and is able to comply with this article and regulations of the commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.

ANALYSIS

Deco Drive Limousine, Inc. located at 915 NW 1st Avenue, #2308, Miami, Florida, 33136, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service transportation to passengers throughout all of Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company seeks to transport tourist and resident groups to and from various locations throughout Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided 24 hours a day, seven days a week, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Mr. Anthony W. Rivera, President of Deco Drive Limousine, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

Deco Drive Limousine, Inc. submitted this application in an effort to obtain a legal passenger motor carrier permit to provide tour guide services. The applicant was observed providing transportation and issued a notice to cease and desist. The applicant advised it would not provide services until issued a certificate. Subsequent follow-up actions have not indicated any operations. Accordingly, the application is recommended.

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE TRANSPORTATION COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Friday, December 10, 2004 at approximately 2:00 p.m., in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving transfer of Certificate of Transportation No. 250 to Tropical Excursions, Inc., to provide special operations services as a passenger motor carrier.

A person who decided to appeal any decision made by the Transportation Committee of the Board of County Commissioners, with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(C)(1)(P)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 7(C)(1)(P)

Veto _____

01-20-05

Override _____

RESOLUTION NO. _____

**RESOLUTION APPROVING TRANSFER OF CERTIFICATE
OF TRANSPORTATION NO. 250 TO TROPICAL
EXCURSIONS, INC., TO PROVIDE SPECIAL
OPERATIONS SERVICE AS A PASSENGER MOTOR
CARRIER**

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 250 to Tropical Excursions, Inc., to provide special operations passenger motor carrier service to a common destination or series of common destinations in Miami-Dade County is approved.

The foregoing resolution was sponsored by Commissioner _____ and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Dorin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

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The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Gks

Gerald K. Sanchez